



S/N 10/716,020

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	ALFERNESS ET AL.	Examiner:	VENIAMINOV
Serial No.:	10/716,020	Group Art Unit:	3736
Filed:	NOVEMBER 17, 2003	Docket No.:	11998.21USC2
Title:	CARDIAC DISEASE TREATMENT AND DEVICE		

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 15, 2004.

By:

Name: Linda M. Beckman

*Linda M. Beckman*

TERMINAL DISCLAIMER TO OBVIATE  
A DOUBLE PATENTING REJECTION

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Petitioner, Acorn Cardiovascular, Inc., a corporation organized and existing under the laws of the State of Minnesota and having its primary place of business at 601 Campus Drive, St. Paul, Minnesota 55112, in the county of Ramsey, and the state of Minnesota represents that it is the owner of the entire right, title and interest in U.S. Patent Application Serial No. 10/716,020, filed on November 17, 2003 and entitled CARDIAC DISEASE TREATMENT AND DEVICE, by virtue of our assignment recorded at Reel 011139, Frame 0733.

Petitioner, Acorn Cardiovascular, Inc., hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of U.S. Patent Nos. 6,482,146 B1 and 6,682,476 B2 and hereby agrees that any patent so granted on the above-

identified application shall be enforceable only for and during such period that the legal title to said patents shall be the same as the legal title to U.S. Patent Nos. 6,482,146 B1 and 6,682,476 B2, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors, or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the full statutory term as presently shortened by any terminal disclaimer of United States Patent Nos. 6,482,146 B1 and 6,682,476 B2, in the event that United States Patent Nos. 6,482,146 B1 and 6,682,476 B2 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims cancelled by a reexamination certification, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

For submissions on behalf of an organization (e.g. corporation, partnership, university, government agency, etc.), the undersigned (whose title is supplied below) is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States

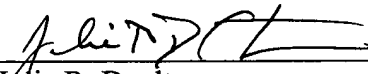
Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(612) 332-5300

Date: 11-15-04



  
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Julie R. Daulton  
Reg. No. 36,414